



**DEPARTMENT OF
FINANCE**
OFFICE OF THE DIRECTOR

GAVIN NEWSOM - GOVERNOR
STATE CAPITOL ■ ROOM 1145 ■ SACRAMENTO CA ■ 95814-4998 ■ WWW.DOF.CA.GOV

March 27, 2019

Ms. Kristen Petersen, Assistant City Manager
City of Duarte
1600 Huntington Drive
Duarte, CA 91010

Dear Ms. Petersen:

Subject: 2019-20 Annual Recognized Obligation Payment Schedule

Pursuant to Health and Safety Code (HSC) section 34177 (o) (1), the City of Duarte Successor Agency (Agency) submitted an annual Recognized Obligation Payment Schedule for the period of July 1, 2019 through June 30, 2020 (ROPS 19-20) to the California Department of Finance (Finance) on January 30, 2019. Finance has completed its review of the ROPS 19-20.

Based on a sample of line items reviewed and application of the law, Finance made the following determinations:

- Item No. 1 – Tax Allocation Bond 2007 (Series A) in the amount of \$2,861,144 is partially allowed. The Agency requested \$1,317,500 from Reserve Balances and \$1,543,644 from Bond Proceeds. However, according to the debt service schedule provided by the Agency, the amount requested for the July through December (ROPS 19-20A) period should be \$2,856,000. Therefore, to accurately reflect the correct debt service payment, Finance made an adjustment in the amount of \$5,144 in Bond Proceeds to decrease the total requested amount of \$2,861,144 to \$2,856,000.
- Item No. 17 – Promissory Note (RD Ph III) in the amount of \$673,615 is partially allowed. HSC section 34191.4 (b) (3) (A) allows repayment to be equal to one-half of the increase between the ROPS residual pass-through distributed to the taxing entities in the preceding fiscal year and the ROPS residual pass-through distributed to the taxing entities in the fiscal year 2012-13 base year.

According to the Los Angeles, County Auditor-Controller's report, the ROPS residual pass-through amount distributed to the taxing entities for fiscal year 2012-13 and 2018-2019 are zero and \$1,407,939, respectively. Pursuant to the repayment formula, the maximum repayment amount authorized for the ROPS 19-20 period is \$703,970. However, the Agency is requesting loan repayments totaling \$1,005,395 for Item Nos. 15 through 17. Therefore of the \$673,615 requested, \$301,425 (\$1,005,395 – \$703,970) is not eligible for Redevelopment Property Tax Trust Fund (RPTTF). The Agency may be eligible for additional funding on subsequent ROPS.

- On the ROPS 19-20 form, the Agency reported cash balances and activity for the period July 1, 2016 through June 30, 2017 (ROPS 16-17). According to our review, the Agency has approximately \$286,465 from Reserve Balances available to fund enforceable obligations on the ROPS 19-20. HSC section 34177 (l) (1) (E) requires these balances to be used prior to requesting RPTTF. Therefore, the funding source for the following item has been reclassified in the amount specified below:
 - Item No. 17 - Promissory Note (RD Ph III) in the approved amount of \$372,190 is partially reclassified from RPTTF to Reserve Balances. This item does not require payment from property tax revenues and the Agency has \$286,465 in available Reserve Balances. Therefore, Finance is approving RPTTF in the amount of \$85,725 and the use of Reserve Balances in the amount of \$286,465, totaling \$372,190.
- The administrative costs claimed are within the fiscal year administrative cap pursuant to HSC section 34171 (b) (3). However, Finance notes the Oversight Board (OB) has approved an amount that appears excessive, given the number and nature of the obligations listed on the ROPS. HSC section 34179 (i) requires the OB to exercise a fiduciary duty to the taxing entities. Therefore, Finance encourages the OB to apply adequate oversight when evaluating the administrative resources necessary to successfully wind-down the Agency.

Pursuant to HSC section 34186, successor agencies are required to report differences between actual payments and past estimated obligations. Reported differences in RPTTF are used to offset current RPTTF distributions. The amount of RPTTF approved in the table on Page 4 includes the prior period adjustment resulting from the County Auditor-Controller's review of the prior period adjustment form submitted by the Agency.

Except for the items adjusted, Finance is not objecting to the remaining items listed on the ROPS 19-20. If the Agency disagrees with our determination with respect to any items on the ROPS 19-20, except items which are the subject of litigation disputing our previous or related determinations, the Agency may request a Meet and Confer within five business days of the date of this letter. The Meet and Confer process and guidelines are available on our website:

http://dof.ca.gov/Programs/Redevelopment/Meet_And_Confer/

The Agency's maximum approved RPTTF distribution for the reporting period is \$671,870 as summarized in the Approved RPTTF Distribution table on Page 4 (see Attachment).

RPTTF distributions occur biannually, one distribution for the July 1 through December 31 period (ROPS A period), and one distribution for the January 1 through June 30 period (ROPS B period) based on Finance approved amounts. Since this determination is for the entire ROPS 19-20 period, the Agency is authorized to receive up to the maximum approved RPTTF through the combined ROPS A and B period distributions.

Absent a Meet and Confer, this is our final determination regarding the obligations listed on the ROPS 19-20. This determination only applies to items when funding was requested for the 12-month period. If a denial by Finance in a previous ROPS is currently the subject of litigation, the item will continue to be denied until the matter is resolved.

The ROPS 19-20 form submitted by the Agency and this determination letter will be posted on our website:

<http://dof.ca.gov/Programs/Redevelopment/ROPS/>

This determination is effective for the ROPS 19-20 period only and should not be conclusively relied upon for future ROPS periods. All items listed on a future ROPS are subject to review and may be denied even if not denied on this ROPS or a preceding ROPS. The only exception is for items that have received a Final and Conclusive determination from Finance pursuant to HSC section 34177.5 (i). Finance's review of Final and Conclusive items is limited to confirming the scheduled payments as required by the obligation.

The amount available from RPTTF is the same as the amount of property tax increment available prior to the enactment of redevelopment dissolution law. Therefore, as a practical matter, the ability to fund the items on the ROPS with property tax increment is limited to the amount of funding available to the Agency in RPTTF.

Please direct inquiries to Kylie Oltmann, Supervisor, or Stephen Franz, Lead Analyst, at (916) 322-2985.

Sincerely,



JENNIFER WHITAKER
Program Budget Manager

cc: Mr. Jeff Melching, City Attorney, City of Duarte
Ms. Kristina Burns, Manager, Department of Auditor-Controller, Los Angeles County

Attachment

Approved RPTTF Distribution For the period of July 1, 2019 through June 30, 2020			
	ROPS A Period	ROPS B Period	ROPS 19-20 Total
RPTTF Requested	\$ 1,012,240	\$ 0	\$ 1,012,240
Administrative RPTTF Requested	250,000	0	250,000
Total RPTTF Requested	1,262,240	0	1,262,240
RPTTF Requested	1,012,240	0	1,012,240
<u>Adjustment</u>			
Item No. 17 **	(587,890)	0	(587,890)
RPTTF Authorized	424,350	0	424,350
Administrative RPTTF Authorized	250,000	0	250,000
Total RPTTF Authorized for Obligations	674,350	0	674,350
Prior Period Adjustment	(2,480)	0	(2,480)
Total RPTTF Approved for Distribution	\$ 671,870	\$ 0	\$ 671,870

** Item No. 17 total adjustment of \$587,890 includes \$301,425 for exceeding the maximum allowed under HSC section 34191.4 (b) (3) (A) plus \$286,465 based on a review of the Agency's cash balances.